

REMARKS

The Made Final Office Action issued 01/08/2008. On 03/10/2008, a "Request to Primary Examiner under MPEP 706.07(d) to withdraw the Final Rejection as Premature" was filed. This was filed within the two month period as 03/08/2008 fell on a Saturday and 03/10/2008 was the following Monday. Phone calls to Supervisory Primary Examiner were made 04/22/2008 and 04/25/2008. No response has been received either to the Request or to the phone calls.

The Made Final Office Action essentially repeats the rejections found in the First Office Action. The filed Response to the First Office Action and the above Request fully respond to the prior art rejections and these two filings are incorporated herein by reference.

In order to advance prosecution, the claims have been amended and claims 55 and 62 canceled. Claims 54, 56-58, 60-61, 63-72 as amended are maintained to be allowable as discussed next with respect to the "Response to Arguments" portion of the Made Final Rejection. It is respectfully requested that the pending claims, as amended, be reconsidered:

1. **Frohm '429 does not disclose "Award Value Symbols Showing Award Values"**: At page 7, lines 8-17 of the "Response to Arguments" of the Made Final Office Action, it is respectfully maintained that the claimed "value symbols" are not the Frohm '429 "winning symbols". Independent claims of 54, 63 and 69 are amended to provide clarity, to recite "each award value symbol showing an award value in the display when randomly displayed." The display 45 is shown in Figure 1 of the specification and award value symbols 86, each showing an award value in the display is discussed through out the specification such as at page 11, lines 21-31. Frohm '429 (and the corresponding Frohm '897 material) has no disclosure of "award value symbols" and no disclosure of any individual game symbols that shows an award value in the display when the Frohm '429 combination of game symbols is displayed. Frohm '429 only discloses conventional game symbols which include numbers such as "Blue7s and Red7s," but these numbers are game symbols and not the "shown award values" of the present invention. Frohm '429, in Figure 3, discloses the "Red7" and "Blue7" game symbols. When a combination of Frohm '429 symbols is displayed on the pay line, the pay table of Figure 3A

provides the payout, if any, for that displayed "combination of symbols." By way of example, when Frohm '429 displays {Bar, Cherry, Blue7} in the combination, the pay table provides an award of 100 credits. Frohm '429 does not award 7 credits as the symbol "Blue7" is a game symbol and not the award value symbol of the present invention showing an award of 7 credits. Furthermore, when Frohm '429 displays the combination of {Bar, Cherry, Blue7}, the Bar and Cherry symbols are critical as it is the combination of the three symbols that determines the Frohm '429 award from the pay table. In the present invention, it is each award value shown on the displayed award value symbol that provides its own award. Independent claims 54, 63 and 69 and their corresponding dependent claims are patentably distinct over Frohm '429.

2. **Frohm '429 does not "Sum Award Values that are shown on Award Value Symbols that are Displayed in the Display":** At page 8, lines 1-5 of the "Response to Arguments" of the made final rejection, it is respectfully maintained that the Frohm '429 Fig. 5, steps 130 to 150 do not disclose the claimed step of accumulating award values of the present invention. However, the independent claims of 54, 63 and 69 are each amended to provide clarity and to recite that the step of summing sums: the "shown award values appearing on any award value symbols in the displayed combination" to an accumulated winnings value [claims 59 and 63] and "shown on any award value symbols randomly displayed in a display" [claim 69]. The specification used the term "accumulate" as well as the word "sum" to describe the step of summing the shown value awards in a displayed combination to an accumulated winnings value. See page 11, lines 22-31 and page 21, lines 18-23 of the specification. This amendment is made to clarify that the shown award values in a randomly displayed combination is summed to an accumulated winning value which repeats for each new randomly displayed combination until play ends. There is no disclosure in Frohm '429 of summing award values shown in a displayed combination. Frohm '429 cannot sum "Blue7s" or "Red7s" in a displayed combination to an accumulated winning value. Independent claims 54, 63, and 69 and their corresponding dependent claims each

recite summing shown award values in the randomly displayed combination and are patentably distinct over Frohm '429. An additional patentable distinction is present:

- a. The amended independent claims of 54 and 63 provide this step of summing before the step of repeating. In Frohm '429 Figs. 4 & 5, two separate play paths are shown before any Frohm '429 step of repeating occurs in his circle 3. Steps 100 to 108 show the first path of base game play where the random game symbols are shown on the pay line in step 108 and, if a winning combination exists, then any associated award from the pay table is made in step 114 and the base game ends in step 116. Any repeat play after step 116 requires the player to enter circle 1. Steps 110 to 138 show the second path of bonus game play where the random game symbols are shown on the pay line in step 134 and, if a winning combination exists, then any associated award from the bonus pay table is shown in step 138. The bonus repeat step occurs after step 138. Neither the first base game path nor the second bonus game path of Frohm '429 disclose the claimed step of summing the shown award values **in the displayed combination before** any repeat step as specifically claimed. It is true that the Frohm '429 second bonus path accumulates winnings in step 140 from the pay table values after each repeat cycle until the game ends. Independent claims 54, and 63 and their dependent claims are patentably distinct over Frohm '429.
3. **Frohm '429 does not disclose the "Use of End of Game Symbols":** At page 7, lines 8-13 and page 8, lines 13-16 of the "Response to Arguments" of the made final rejection, it is respectfully maintained that the claimed "end of game symbols" are not the Frohm '429 "losing symbols" as Frohm does not disclose losing symbols. Frohm '429 only discloses "symbol combinations" that are "winning" or "losing." Frohm '429 at col. 10, lines 16-51. Losing **combinations** of base game and bonus game symbols, not the appearance of any individual symbols, cause the

base game to end or the bonus game to end before a repeat cycle of Frohm '429 occurs (as discussed above). Independent claims 54, 63, 67 and 69 and their dependent claims each recite the use of "end of game symbols" and are patentably distinct over Frohm '429. Two further additional patentable distinctions are present:

- a. With respect to the Examiner's discussion at page 8, lines 6-12 of the Response to Arguments, the comment is based on obviousness, not anticipation. Frohm '429 only uses the "combination of symbols." In Frohm '429, a losing symbol combination and a winning symbol combination **cannot** be displayed on the pay line **at the same time** as Frohm '429 would be fully **inoperative**. The claimed invention in independent claim 54 can display an award value symbol and an end of game symbol in the same randomly displayed combination: the award value is summed and the end of game symbol is counted. If the next randomly displayed combination in the claimed invention contains an award value and an end of game symbol that causes the count to be the predetermined number, the game ends. Frohm '429 requires a winning combination to win an award and a losing combination to end the game **in separate random displays**. This claimed feature is fully found within the claim and why it represents a departure from conventional gaming approaches using "predicted combinations" like Frohm '429 is fully discussed throughout the specification.
 - b. In independent claim 54, an end of game symbol can appear in a randomly displayed combination and not cause the game to end. It is the occurrence of a predetermined number of end of game symbols that ends the game. Every losing symbol combination in Frohm '429 causes the game to end.
4. **Frohm '429 does not disclose "Counting Game Repeat Play":** The "Response to Arguments" does not address the counting of repeat play specifically claimed in independent claim 67. Further, the Made Final Rejection

on page 5, lines 4-5 does not provide any anticipatory support in Frohm '897 that the Frohm spin counter of step 142 is used for any other purpose than to provide a consolation prize when the first spin is a losing combination. Only a "losing combination" ends Frohm bonus play. The claimed invention in claims 67-68 is novel and non-obvious as it counts the number of plays and when the count reaches a predetermined number the game ends.

With respect to the claimed features in the dependent claims, the arguments for their allowance based on their specific features is incorporated by reference in the earlier filed Response.

CONCLUSION

It is requested that the pending claims as amended be allowed over the cited art.

Should you have any questions regarding the above, please feel free to give the below-listed attorney a call. If additional fees are required, please debit our Deposit Account No. 04-1414.

Respectfully submitted,

DORR, CARSON & BIRNEY, P.C.

Date: MAY 7, 2008

By: Robert C. Dorr

Robert C. Dorr
Reg. No. 27,782
501 South Cherry Street, Suite 800
Denver, Colorado 80246
(303) 333-3010